

NOTICE OF RULE MAKING

Arkansas Department of Human Services

Pursuant to the U.S. Omnibus Budget Reconciliation Act of 1981 and Ark. Code Ann. 20-76-201, the Chief Fiscal and Administrative Officer, Office of Finance and Administration, proposes revised rule entitled “DHS 1052, Administrative Procedure, Rules Promulgation.”

Policy 1052 was reformatted and revised in compliance with Act 1478 of 2003, codified at 25-15-201 et. seq. Changes include the following:

Section 1052.0.0: **Changed** title **from** “Administrative Procedure, Rules and Regulations Promulgation” **to** “Administrative Procedure, Rules Promulgation.”

Section 1052.2.1: **Changed** that the Office of Finance and Administration will promulgate rules that have an effect on DHS as a whole **to** “OFA will promulgate rules that will apply to more than one division.”

Section 1052.4.0: Changed the length of time that OCC may review forms for compliance with the Administrative Procedure Act **from** three (3) days **to** five (5) working days.

Section 1052.5.1: **Changed** number of days that Notice of Rule Making must be published in a newspaper of general daily circulation **from** seven (7) **to three (3)** consecutive days.

Section 1052.5.2: **Added:** “The Notice of Rule Making shall be emailed to the Secretary of State at register@sosmail.state.ar.us with a date listing when the agency wishes the Notice to be published. The Notice will be posted on the Secretary of State’s website for 30 days.”

Sections 1052.6.1 and 1052.6.2: **Added** that thirty (30) days before the expiration of the period for public comment any proposed, revised, amended, changed, or repealed rules must also be submitted for review to the Secretary of State’s Office. “One (1) copy of the rule (in Adobe PDF or Microsoft Word 6.0 or higher) must be submitted to the Secretary of State on disk or emailed to register@sosmail.state.ar.us. The rule will be submitted in “mark-up” form if the rule is an amendment to an existing rule. One (1) copy of a Summary of Rule must be submitted when filing a new rule. One (1) copy of a Summary of Changes is to be submitted with any revised rule.”

Section 1052.7.4: **Added** that two (2) copies of the summary must be filed with the Bureau of Legislative Research at the final filing.

Section 1052.7.4: **Deleted** requirement for an electronic copy of the rule to be filed with the Bureau of Legislative Research.

Section 1052.8.3: **Deleted** “If during the promulgation process the Division or Office elects to change, revise, or amend the proposed rule, there shall be a second review of the altered proposed rule by OCC for compliance with the Administrative Procedure Act. The change may

require re-promulgation. OCC will promptly advise the Division or Office if this becomes necessary.”

Section 1052.11.0: **Deleted** that failure to promulgate can result in monetary liability to the division or office resulting from a rule being declared ineffective.

Copies of the rule may be obtained by writing to the DHS Office of Finance and Administration, Human Resources/Support Services Section, P.O. Box 1437, Slot W403, Little Rock, AR 72203-1437, Attention: Policy and Administrative Program Management. All comments must be submitted in writing within 30 days following the date of the initial newspaper notice.

The Department of Human Services, Office of Finance and Administration, is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed, and delivers services without regard to age, religion, disability, political affiliation, veteran status, sex, race, color, or national origin.

Alternate formats (large print, audio tapes, etc.) will be provided upon request.

Jerry Berry, Chief Fiscal & Administrative Officer
Office of Finance & Administration

Date